

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**

Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**

Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

**DIRECT REPLY TO:**

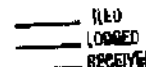
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<http://www.jpml.uscourts.gov>

March 9, 2004

Bruce Rifkin, Clerk  
215 William Kenzo Nakamura U.S. Courthouse  
1010 Fifth Avenue  
Seattle, WA 98104-1130



**MAR 12 2004**

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

(See Attached Schedule CTO-43)

Dear Mr. Rifkin:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the actions listed on the attached schedule on February 20, 2004. The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
Clerk of the Panel

By   
Deputy Clerk

**Attachments**

cc: Transferee Judge: Judge Barbara Jacobs Rothstein  
Transferor Judges: (See Attached List of Judges)  
Transferor Clerks: (See Attached List of Clerks)

JPML Form 38

**A CERTIFIED TRUE COPY**

MAR 9 2004

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FEB 20 2004

FILED  
CLERK'S OFFICE

**DOCKET NO. 1407**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY  
LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-43)**

On August 28, 2001, the Panel transferred eight civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,425 additional actions have been transferred to the Western District of Washington. With the consent of that court, all such actions have been assigned to the Honorable Barbara Jacobs Rothstein.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Western District of Washington and assigned to Judge Rothstein.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Western District of Washington for the reasons stated in the order of August 28, 2001, 173 F.Supp.2d 1377 (J.P.M.L. 2001), and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

MAR 9 2004

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

*Michael J. Beck*

Michael J. Beck  
Clerk of the Panel

**SCHEDULE CTO-43 - TAG ALONG CASES**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

DISTRICT DIV. CIVIL ACTION#

**ARKANSAS EASTERN**

ARE	2	03-203	Carolyn Davis, et al. v. Bayer Corp., et al.
ARE	3	04-1	Darrell Wayne Capelle, et al. v. Bayer Corp, et al.
ARE	5	03-481	DeShannon Dennis v. Bayer Corp., et al.
ARE	5	04-1	Tammy Denmon, etc. v. Bayer Corp., et al.

**ARKANSAS WESTERN**

ARW	2	04-2012	Anita Smith, et al. v. GlaxoSmithKline, PLC, et al.
ARW	5	04-5009	John Martin v. GlaxoSmithKline, PLC, et al.

**MARYLAND**

MD	8	03-2983	Elizabeth Harrington, et al. v. Procter & Gamble Co., et al.
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**MINNESOTA**

MN	0	03-6489	Juanita Frazier v. Wyeth Consumer Healthcare
MN	0	03-6533	Clara Hall, etc. v. Bayer Corp.
MN	0	04-93	Tina Fogg, et al. v. Chattem, Inc., et al.

**MISSOURI EASTERN**

MOE	4	03-1817	Margaret Kennedy v. Wyeth, et al.
MOE	4	04-58	Benito Waker, et al. v. Chattem, Inc.

**MISSISSIPPI SOUTHERN**

MSS	2	03-438	Douglas Ellzey, et al. v. Wyeth, Inc.
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**WEST VIRGINIA SOUTHERN**

WVS	5	03-2311	Roger Dale Moore v. Chattem, Inc., et al.
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**INVOLVED COUNSEL LIST (CTO-43)**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

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**INVOLVED JUDGES LIST (CTO-43)**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

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Hon. Deborah K. Chasanow  
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Hon. Joan N. Erickson  
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Senior U.S. District Judge  
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U.S. District Judge  
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**INVOLVED CLERKS LIST (CTO-43)**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

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